

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Crl.Misc.No.27953 of 2007 and
Crl.Misc. No.17688-M of 2007
Date of Decision:- 28.8.2007**

Daljit Kaur

....Petitioner(s)

through
Mr.Veneet Sharma, Advocate

vs.

State of Punjab & anr.

....Respondent(s)

through
Mr.Sandeep Moudgil, DAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

The prayer in the application is to stay further proceedings before the learned trial Court.

The aforesaid application has been moved in the main petition wherein prayer is for quashing of F.I.R.No.242 dated 8.8.2006 registered under Sections 498-A, 494 IPC at Police Station, Civil Lines, Amritsar.

With the consent of learned counsel for the parties, main case itself is taken on board for final disposal.

The above-stated F.I.R. has been registered on a written complaint made by Paramjit Kaur d/o Mehar Singh & w/o Gurpreet Singh. It has been, *inter alia*, alleged that the petitioner (Daljit Kaur) has got married illegally to the husband of the complainant without there being any valid divorce between Gurpreet Singh and the complainant. The F.I.R.

further reveals that a female child was also born out of the illegal marriage of the petitioner and Gurpreet Singh. It is also alleged that Gurpreet Singh and his family are harassing the complainant for bringing insufficient dowry and that the present petitioner has also been instrumental in causing the said harassment to the complainant.

Having regard to the well-known principles in relation to quashing of the criminal proceedings, the allegations as contained in the F.I.R. are to be taken on their face value. The F.I.R. obviously discloses *prima facie*, an offence under Section 498-A and 494 IPC against the petitioner. Her contentions which are based upon an evasive plea of neither denying nor admitting the marriage with Gurpreet Singh and/or that she being not “a relative of the husband” of the complainant does not fall within the ambit of Section 498-A IPC, are seriously disputed questions of fact, in relation to which it is not desirable to form any definite opinion at this stage.

Needless to say that if the complainant/prosecution is able to prove that the petitioner has performed an illegal marriage with Gurpreet Singh and is living with him as his wife, the petitioner, can fall within the mischief of Section 498-A IPC also.

Consequently, this petition is disposed of with liberty to the petitioner to raise all her contentions before the learned trial Court at an appropriate stage and the same shall be gone into in accordance with law.

August 28, 2007
poonam

(SURYA KANT)
JUDGE